DILLON & YUDELL LLP

ATTORNEYS AT LAW

⧸ USPTO FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Andrew J. Rudy	Andrew J. Dillon 29,634

ORGANIZATION:	DATE:
US Patent and Trademark Office	May 17, 2006

ART UNIT: CONFIRMATION NO.:	TOTAL NO. OF PAGES INCLUDING COVER:
3627	16

FAX NUMBER:	APPLICATION SERIAL NO:
571-273-8300	08/909,340

ENCLOSED:	ATTORNEY DOCKET NO:
Substitute Appeal Brief	AT9-97-314

☒ URGENT   ☐ FOR REVIEW   ☐ PLEASE COMMENT   ☐ PLEASE REPLY   ☐ PLEASE RECYCLE

NOTES/COMMENTS:

8911 N. CAPITAL OF TEXAS HWY., SUITE 2110, AUSTIN, TEXAS 78759
512.343.6116 (V) • 512.343.6446 (F) • DILLONYUDELL.COM

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of: **JERRY WALTER MALCOLM**	§ § §	Attorney Docket No.: **AT9-97-314**
Serial No.: **08/909,340**	§ §	Examiner: **ANDREW J. RUDY**
Filed: **08/11/1997**	§ § §	
Title: **GROUPING SELECTED TRANSACTIONS IN ACCOUNT LEDGER**	§ § § §	Group Art Unit: **3627**

SUBSTITUTE APPEAL BRIEF

Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Substitute Appeal Brief is submitted in response to the Notice of Non-Compliant Appeal Brief dated April 18, 2006.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the U.S. Patent and Trademark Office at (571) 273-8300.

_5-17-2006_	_Jane Graham_
Date	Jane Graham

U.S. Application No. 08/909,340   Substitute Appeal Brief—Page 1   Attorney Docket Number AT9-97-314

PAGE 2/16 * RCVD AT 5/17/2006 11:54:51 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/6 * DNIS:2738300 * CSID:5123436446 * DURATION (mm-ss):04-50

REAL PARTY IN INTEREST

The real party in interest in the present Application is International Business Machines Corporation, the Assignee of the present application, as evidenced by the Assignment set forth at reel 8749, frame 0649.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, the Appellants' legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26 stand finally rejected as noted by the Examiner's action dated September 6, 2005. Claims 2, 3, 7, 9, 10, 12-14, 16, 17, 19, 20, 22, 24 and 27-29 have been previously canceled.

STATUS OF AMENDMENTS

No amendment to the claims has been submitted subsequent to the final rejection.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention is directed to the problem set forth in the specification at page 1, line 25 *et seq*. That problem exists where an external statement consolidates multiple transactions recorded separately in the user's accounting software. Often a deposit or other financial transaction is entered as multiple separate entries within a user's accounting software ledger. For example, a user with ten checks to deposit will enter the checks individually into the ledger for auditing, tracking, budget management and other reasons. When a deposit is made at the financial institution only one deposit is entered into the records of that financial institution. This creates a problem for subsequent reconciliation attempts.

Claim 1 recites a method of facilitating account statement reconciliation comprising the computer implemented steps of :

associating selected transactions within data records within a computer for an account to form a persistent transaction group within the account data records, wherein the transaction group may be treated both as a single transaction and as a plurality of individual transactions by a user, wherein the selected transactions were paid or deposited together; and

displaying within a computer a total for the transaction group when the selected transactions within the transaction group are individually displayed, wherein the total for the transaction group may be readily reconciled with a consolidated entry in an external account statement.

This portion of the claimed invention is depicted within the figures in Figures 2A and 2B and is described in the specification at page 9, line 14 *et seq*. As described therein, a display 202 of transaction entries includes a column 204 for transaction identifiers, such as a check number. Column 206 is provided for a description of the transactions, while an amount for the transactions may be entered in column 208. An additional column 210 may be utilized to display the total for a range of transactions, selected as described within the specification at page 9, line 29 *et seq*. Therein, the specification describes the selection of a "transaction group" which may be persistently maintained for a group of transactions. As described at page 10, line 5 *et seq*., the user may "rubber band" 212 multiple transactions utilizing a "click-and-swipe" select or any other form of multiple select so that multiple transactions may appear as a single deposit. Thereafter, as depicted in Figure 2B a total for the multiple transactions which have been formed into the persistent group may be depicted within column 210.

Claim 8 of the present application is an apparatus claim corresponding to Claim 1 and recites an association means for persistently associating selected transactions within data records for an account to form a transaction group which may be selectively treated as a single transaction, wherein the selected transactions were paid or deposited together; and display means for displaying a total of the transaction group when the selected transactions within the transaction group are individually displayed, wherein the total for the transaction group may be readily reconciled with a consolidated entry in an external account statement.

The association of selected transactions to form a persistent transaction group and the display of those transactions is illustrated, as described above, with respect to Figures 2A and 2B. The apparatus which carries out this process is illustrated within Figure 1B and is described in the present specification at page 8, line 8 *et seq.* wherein data processing system 114 is depicted. Processor 116, operating in accordance with a suitable program, performs the association of selected transactions within data records and then displays the depicted display of Figures 2A and 2B within display 132, as described in the present specification at page 8, line 22-24.

Claim 15 sets forth a computer program product for use with a data processing system, which incorporates instructions on a computer usable medium for associating selected transactions within data records to form a persistent transaction group having a data record distinct from data records for the selected transactions, allowing the transaction group to be selectively treated as a single transaction and as a plurality of individual transactions wherein the selected transactions were paid or deposited together and instructions for displaying a total for that transaction group when the selected transactions within the transaction group are individually displayed. As those having ordinary skill in this art will appreciate the computer program product recited within Claim 15 is illustrated by the high level logic flow charts depicted within Figures 3, 4A and 4B which depict instruction steps which are implemented within processor 116 of Figure 1B.

Specifically, Figure 3, as described at page 11, line 29 *et seq.*, depicts the instruction steps necessary to create a persistent transaction group in accordance with a preferred embodiment of the present invention. As described at page 12, lines 1-9 the process selects certain transaction and thereafter associates the data records corresponding to those transactions into a persistent group. Step 308 of this process depicts the providing of a visual cue as to this association and thereafter this process returns.

The display of a total for a particular transaction group is illustrated at step 408a of Figure 4A and is described in the specification at page 12, lines 22 *et seq.* Therein, the high level logic flowchart depicted within Figure 4A is described as determining whether or not

unreconciled transactions within the accounting data package include any transaction groups and if so the process is described as preceding to step 408a which illustrates the display of the total for the transaction groups so that the user might match those entries with an external statement.

Claim 21 sets forth yet another embodiment of the present invention in which the grouping of account transaction records into a persistently maintained association, as described above, is further characterized as including a transaction identifier, as depicted at reference numeral 214 in Figure 2B and as described in the present specification at page 11, lines 25-27; a transaction date as depicted within Figure 2B, a transaction description, as depicted within column 206 of Figure 2B and a transaction amount, as depicted within columns 208 and 210 of Figure 2B and as described in the specification as noted above. Claim 21 further recites that this is accomplished in a data processing system which receives and transfers data over the Internet. This is clearly depicted within Figure 1A of the present specification and described in the specification at page 7, lines 3-12 wherein user unit 102 is described as being "connected via communications link 104 to the Internet 106 and acting as an Internet client."

Claim 25 recites the same process from the viewpoint of an Internet server and it is noted that Figure 1A also depicts an Internet server 110 connected to Internet 106 via a communications link 108, as described in the present specification at page 7, lines 3-12.

The characterization of the transaction group and the various identifiers set forth therein are, as described above, set forth within Figures 2A and 2B and described in the present specification at page 9, line 14 through page 11, line 27.

Claim 25 also recites the transmission of accounts records over the Internet, as illustrated within Figure 1A and as described above and further the transmission of a signal over the Internet to initiate a determination of whether the account records include a match to a total of a transaction group. This is clearly set forth within the present specification at page 12, line 31 through page 13, line 9 wherein step 410 of logic flowchart 4A depicts a determination of whether the user has indicated that a match between a transaction group and an entry in the external statement exists.

U.S. Application No. 08/909,340   Substitute Appeal Brief – Page 5   Attorney Docket Number AT9-97-314

PAGE 6/16 * RCVD AT 5/17/2006 11:54:51 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/6 * DNIS:2738300 * CSID:5123436446 * DURATION (mm-ss):04-50

Finally, the method of Claim 26 recites the reconciliation of account transaction records over the Internet by the transmission of information regarding an account from a server over the Internet to a user unit and then a comparison of the account to corresponding information from user transaction records as depicted within Figures 2A and 2B and as described above. As noted above, Figure 1A illustrates a user unit 102 coupled to Internet 106 and a server 110 coupled to Internet 106 utilizing communications link 108. Further, as described above with respect to Figure 4A and as set forth in the specification at page 12, line 14 through page 13, line 9 the process by which transactions may be reconciled utilizing totals for transaction groups is illustrated. Specifically, step 408a illustrates the displaying of total for transaction groups so that those totals may be matched with entries in an external statement and after matching a total to a transaction group step 412 illustrates the marking of each transaction in the group as having been reconciled.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   The Examiner's rejection of Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26 as unpatentable under 35 U.S.C. §103(a) over *Campbell,* United States Patent No. 5,749,077 is to be reviewed on this Appeal.

ARGUMENT

In the final rejection dated September 6, 2005 the Examiner has rejected Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over *Campbell,* United States Patent No. 5,749,077. That rejection is not well founded and it should be reversed.

The claims in the present application are directed to a method, apparatus, computer program product, internet client, internet server and method performed over the internet for facilitating account statement reconciliation by associating selected transactions within data records within a computer for an account to form a persistent transaction group within account data records where the transaction group may be treated both as a single transaction and as a plurality of individual transactions by a user wherein the selected transactions were paid or deposited together. This language is set forth expressly within Claims 1, 8 and 15.

The internet embodiment of the present invention, as set forth within Claim 21, the internet server embodiment of the present invention set forth within Claim 25 as well as the method implemented within the internet as set forth within Claim 26, also expressly recite the creation of a transaction group record which is persistently maintained wherein the transaction group record includes both a transaction amount for each transaction within the transaction group, together with a transaction group amount equaling the total of the transaction group.

In his rejection the Examiner has cited *Campbell* for its disclosure of a method and apparatus for updating and selectively accessing financial records relating to investments. *Campbell* teaches that the financial transactions have associated therewith data records 104. The Examiner apparently believes that these data records, which consist of dealer information, "may be treated as both a single transaction or a plurality of individual transactions that may be displayed via visual indicators" citing Figures 6 and 7. The Examiner notes that *Campbell* does not disclosure the term "persistent transaction group" but believes the data records 104 of *Campbell* may be viewed as an official transaction group and suggestive or equivalent thereto.

The dealer information 104 described within the *Campbell* specification at column 3, line 59 *et seq.*, is described as mutual fund dealer information. This information is further described as providing "data for processing regarding new and changed branches 120 over path 122." This information is then utilized, according to *Campbell*, in order to update the stored listing of organization names and locations. Applicant believes that *Campbell* fails to include the slightest scintilla of suggestion for the treating of records 104 as a group of selected transactions within a persistent transaction group wherein the transaction group may be treated "both as a single transaction and as a plurality of individual transactions by a user..." or wherein the transaction group is displayed including a transaction amount "for each transaction within the transaction group, together with a transaction group amount equaling the total for the transaction group."

Further, the Examiner's assertion that this "dealer information" may be treated as both a single transaction or a plurality of individual transactions displayed by visual indicators, as allegedly shown within Figures 6 and 7 is also believed to be without foundation.

U.S. Application No. 08/909,340   Substitute Appeal Brief – Page 7   Attorney Docket Number AT9-97-314

PAGE 8/16 * RCVD AT 5/17/2006 11:54:51 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/6 * DNIS:2738300 * CSID:5123436446 * DURATION (mm-ss):04-50

For example, Figure 6 is described in *Campbell* at column 12, line 54 *et seq.*, as a user interface screen which is adapted to be employed with respect to obtaining sales information. As noted at column 13, line 8 *et seq.*, block **1108** of the depicted screen "deals with identification of the brokerage firm or dealer or representative involved in handling the transaction." Fields are further provided for insertion of firm identification, location, dealer number, management code, branch code, etc. Nothing within Figure 6 shows or suggests the treatment of data records as a single transaction or a plurality of individual transactions as expressly required by Claims 1, 8 and 15 or as the depiction of a persistent transaction group which includes a transaction amount "for each transaction within the transaction group, together with a transaction group amount equaling the total of the transaction group" as set forth within Claims 21, 25 or 26.

Appellant urges the Board to consider that it is a substantial stretch to presume that a list of brokerage firms or dealers could or would require the display of a "total" for reconciliation in the manner which is expressly set forth within the present specification and claims.

With respect to the Examiner's belief concerning Claim 7 of *Campbell* Applicant notes that Claim 7 is described at column 13, line 39 *et seq.*, as a screen utilized to obtain asset information for a specific date or time. This particular screen displays the identity of a client at reference numeral 1184 and the identity of the business organization information at reference numeral 1182 along with similar location, dealer number, branch codes, etc. in a manner identical to that described above with respect to Figure 6. Nothing within Figure 7 shows or suggests in any way the display of dealer information as a "single transaction and as a plurality if individual transactions by a user."

In addressing Applicants remarks during the prosecution of this application the Examiner notes a belief that the claim language "persistent transaction group" does not provide a line of demarcation over on *Campbell* and further notes "the alternative claim language presented by Applicant does not require each alternative claim recitation, only one thereof." Applicant respectfully notes that the claims of the present application do not recite alternatives but rather conjunctives. That is, the claims in the present application do not recite that the transaction group is treated as a single transaction or as a plurality of individual transactions. The claims in

U.S. Application No. 08/909,340   Substitute Appeal Brief – Page 8   Attorney Docket Number AT9-97-314

PAGE 9/16 * RCVD AT 5/17/2006 11:54:51 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/6 * DNIS:2738300 * CSID:5123436446 * DURATION (mm-ss):04-50

the present application are specifically directed to a transaction group which may be treated "**both** as a single transaction **and** as a plurality of individual transactions by a user..." and the Examiner's reliance upon an alleged alternative recitation within these claims is puzzling to the Applicant.

In summary, Applicant urges the Board to consider that there is nothing within the *Campbell* reference which shows or suggests the association of selected transactions within an account to form a persistent transaction group, whether that particular phrase is utilized or not, wherein the transaction group may be treated both as a single transaction and as a plurality of individual transactions and wherein a total for that transaction group is displayed within a computer when the selected transactions within the transaction group are individually displayed. The failure of *Campbell* to contain even the slightest suggestion for this technique forms the basis for Appellant's respectful request that the Board reverse the Examiner's rejection of Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26.

The fee of $500.00 for filing this Appeal Brief was previously charged to **IBM Corporation Deposit Account Number 09-0447**. No extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM Corporation Deposit Account Number 09-0447**.

Respectfully submitted,

Andrew J. Dillon
Reg. No. 29,634
DILLON & YUDELL LLP
8911 N. Capital of Texas Hwy., Ste. 2110
Austin, Texas 78759
512-343-6116

ATTORNEY FOR APPELLANTS

APPENDIX

1.   A method of facilitating account statement reconciliation, said method comprising the computer implemented steps of:

associating selected transactions within data records within a computer for an account to form a persistent transaction group within the account data records, wherein the transaction group may be treated both as a single transaction and as a plurality of individual transactions by a user, wherein the selected transactions were paid or deposited together; and

displaying within a computer a total for the transaction group when the selected transactions within the transaction group are individually displayed, wherein the total for the transaction group may be readily reconciled with a consolidated entry in an external account statement.

2-3.   canceled

4.   The method of Claim 1, further comprising:

displaying a visual indicator of the association of the selected transactions within and forming the transaction group when the selected transactions within the transaction group are individually displayed.

5.   The method of Claim 1, further comprising:

forming a plurality of transaction groups within the data records for the account; and

displaying a total for each transaction group within the plurality of transaction groups.

6.   The method of Claim 5, further comprising:

identifying unreconciled transactions within data records for the account;

determining whether the unreconciled transactions include at least one transaction from a transaction group; and

reconciling each transaction group containing unreconciled transactions to a corresponding transaction record within the external account statement utilizing the transaction group total.

7.   canceled

8.   An apparatus for facilitating account statement reconciliation, comprising:

association means for persistently associating selected transactions within data records for an account to form a transaction group which may be selectively treated as a single transaction, wherein the selected transactions were paid or deposited together; and

display means for displaying a total for the transaction group when the selected transactions within the transaction group are individually displayed, wherein the total for the transaction group may be readily reconciled with a consolidated entry in an external account statement.

9-10. canceled

11.   The apparatus of Claim 8, further comprising:

indication means for displaying a visual indicator of the association of the selected transactions within and forming the transaction group when the selected transactions within the transaction group are individually displayed.

12-14. canceled

15.   A computer program product for use with a data processing system, comprising:

first instructions on the computer usable medium for associating selected transactions within data records for an account to form a persistent transaction group having a data record distinct from data records for the selected transactions, allowing the transaction group to be selectively treated as a single transaction and as a plurality of individual transactions, wherein the selected transactions were paid or deposited together; and

second instructions on the computer usable medium for displaying a total for the transaction group when the selected transactions within the transaction group are individually displayed, wherein the total for the transaction group may be readily reconciled with a consolidated entry in an external account statement.

16-17. canceled

18.   The computer program product of Claim 8, further comprising:

third instructions on the computer usable medium for displaying a visual indicator of the association of the selected transactions within the transaction group when the selected transactions within the transaction group are individually displayed.

19-20. canceled

21.   An Internet client, comprising:

a data processing system receiving and transferring data over the Internet; and

records for account transactions stored within the data processing system, the records including at least one transaction group record persistently maintaining an association of records for selected transactions within the account transactions which were paid or deposited together, the at least one transaction group record allowing the selected transactions to be selectively treated as a single transaction and as a plurality of individual transactions, wherein the at least one transaction group record includes

a transaction identifier,

a transaction date,

a transaction description, and

a transaction amount

for each transaction within the transaction group, together with a transaction group amount equaling the total for the transaction group.

22.   canceled

23.   The Internet client of Claim 21, wherein the data processing system further comprises:

means for displaying a visual indicator of the transaction group in a display of the records for the selected transactions.

24.   canceled

U.S. Application No. 08/909,340   Substitute Appeal Brief – Page 12   Attorney Docket Number AT9-97-314

PAGE 13/16 * RCVD AT 5/17/2006 11:54:51 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/6 * DNIS:2738300 * CSID:5123436446 * DURATION (mm-ss):04-50

25.   An Internet server, comprising:

a data processing system receiving and transferring data over the Internet;

a storage device maintaining account transaction records for an account; and

software operable in the data processing system for:

receiving an external request for transaction records for the account over the Internet;

comparing the external transaction records to the account transaction records, wherein the external transaction records include transaction groups for transactions paid or deposited together, each transaction group including

a transaction identifier,

a transaction date,

a transaction description, and

a transaction amount

for each transaction within the transaction group, together with a total for the transaction group, wherein each transaction group is compared as a single transaction to the account transaction records utilizing the total for the transaction group;

transmitting the account records over the Internet; and

transmitting a signal over the Internet for initiating a determination of whether the account records includes a match to a total for a transaction group.

26.   A method of automatically reconciling account transaction records with user transaction records over the Internet, comprising:

transmitting information regarding an account from a server over the Internet to a user unit;

comparing the information regarding the account to corresponding information from the user transaction records, wherein the user transaction records include transaction group records for transaction groups of selected transactions which were paid or deposited together, each transaction group record including

a transaction identifier,

a transaction date,

a transaction description, and

a transaction amount

for each transaction within the transaction group, together with a total for the transaction group, wherein transaction group records are compared as a single transaction for the total for the transaction group to the information regarding the account;

determining matches between the account information and the user transaction records at the user unit;

identifying transaction groups for which a match to the total for the transaction group by account information is determined; and

altering a state associated with user transaction records for individual transactions within the transactions groups.

27-29. canceled

EVIDENCE APPENDIX

Other than the Office Action(s) and reply(ies) already of record, no additional evidence has been entered by Appellants or the Examiner in the above-identified application which is relevant to this appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings as described by 37 C.F.R. §41.37(c)(1)(x) known to Appellants, Appellants' legal representative, or assignee.

U.S. Application No. 08/909,340   Substitute Appeal Brief – Page 15   Attorney Docket Number AT9-97-314